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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,673	07/20/2001	Yoram Yaacovi	MSFT-0314/164088.1	1516
7590	01/09/2004		EXAMINER	
Peter M Ullman Esquire Woodcock Washburn Kurtz Mackiewicz & Norris LLP One Liberty Place 46th Floor Philadelphia, PA 19103			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/909,673</b>	Applicant(s) <b>Yoram, Yaacovi</b>
	Examiner <b>Pierre E. Elisca</b>	Art Unit <b>3621</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on 7/20/2001

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-46 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-46 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s).         

6)  Other: \_\_\_\_\_

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Examiner Pierre Eddy Elisca  
United States Department of Commerce  
Patent and Trademark Office  
Washington, D.C. 20231

#### **DETAILED ACTION**

1. This Office action is in response to Application No. 09/909,673, filed on 07/20/2001.
2. Claims 1-46 are pending.

#### ***Claim Rejections - 35 USC § 102 (b)***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-46 are rejected under 35 U.S.C. 102 (b) as being anticipated by Stefik (U.S. Pat. No. 5,715,403).

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As per claims 1, 6, 10-15, 20, 21, 25, 27-32, and 38-44 Stefik discloses a system for ensuring that licenses are in place for using licensed products (which is readable as Applicant's claimed invention wherein said a method for providing access to a first content package having a first license associated therewith); the method comprising:

receiving first data indicative of the first license, wherein the first license specifies one or more terms governing the relicensing of the content package (see., abstract, col 2, lines 21-44, col 9, lines 19-31, col 44, lines 33-55); and

licensing the first content package for use on the first computing device in accordance with said one or more terms (see., abstract, col 2, lines 21-44, col 9, lines 19-31, col 44, lines 33-55, and one or more terms or conditions see., col 4, lines 14-24, specifically conditions to exercising the right or if license fees have not been paid). Stefik further discloses the encryption keys see., col 15, lines 24-54).

As per claims 2, and 3 Stefik discloses the claimed method of determining that licensure of the first content package for use on the first computing device is consistent with a first of said one or more terms ( see., abstract, col 2, lines 21-44, col 9, lines 19-31, col 44, lines 33-55, and one or more terms or conditions see., col 4, lines 14-24, specifically conditions to exercising the right or if license fees have not been paid).

As per claims 4, 5, 18, 19, 22, 23, and 26 Stefik discloses the claimed method wherein said terms requires collection of a payment as a condition of licensing the first content package for use on the

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first computing device, and wherein said action comprises collecting said payment (see., col 2, lines 21-44).

As per claims 7, 8, 9, 16, 17, 24, 33-37, and 45-46 Stefik discloses the claimed method wherein the content package comprises a content portion and the first license (or repository 1, figs 1 and 2), and wherein said licensing act comprises:

creating a second content package which comprises:

said content portion (or repository 2); and

a second license (or usage rights associated with repository 2) which permits access to said second content package on the first computing device (see., col 7, lines 16-48, figs 1 and 2); and

transmitting said second content package to the first computing device (see., col 7, lines 16-48, figs 1 and 2, col 8, lines 1-32).

### ***Conclusion***

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

**Serial Number: 09/909,673**

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Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

**(703) 305-7687**



Pierre Eddy Elisca

Primary Examiner

**January 05, 2004**